

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,) 2:09-cr-00003-HDM-GWF
12 Plaintiff,)
13 vs.) ORDER
14 MANVEL RICHARDSON,)
15 Defendant.)
_____)

16 Before the court is defendant's letter motion asking the court
17 to reconsider defendant's sentence (ECF No. 85).
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19 Generally, the court lacks authority to modify a term of
20 imprisonment once it has been imposed, but exceptions exist.
21 Section 3582(c)(1)(B) of Title 18 of the United States Code allows
22 the court to modify a sentence "to the extent otherwise expressly
23 permitted by statute or by Rule 35 of the Federal Rules of Criminal
24 Procedure."¹ Rule 35(a) allows the court to correct a sentence
25 within seven days after sentencing for arithmetical, technical, or
26 other clear error. As more than seven days have passed since
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28 ¹ While § 3582(c) has other provisions for amending a sentence after
it has been imposed, none appears to apply here.

1 defendant was sentenced, the court lacks the authority to modify
2 defendant's sentence under Rule 35(a).²

3 Another exception lies within 28 U.S.C. § 2255. However,
4 defendant's motion does not state any claim cognizable under §
5 2255, so the court does not construe his request as arising under
6 that provision.

7 Accordingly, defendant's letter motion dated November 30, 2016
8 (ECF No. 85), construed as a request to modify sentence pursuant to
9 Federal Rule of Criminal Procedure 35(a) is **DENIED**.

10 IT IS SO ORDERED.

11 DATED: This 13th day of December, 2016.

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14 UNITED STATES DISTRICT JUDGE
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27 ² Rule 35(b) allows for reduction of sentence for substantial
28 cooperation upon motion of the government. This exception also does not
apply to defendant's motion.